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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,839	10/14/2003	Henry E. Langeman	LANG-001	8464
7590	03/17/2005		EXAMINER HSIEH, SHIH YUNG	
Michael S. Neustel Suite No. 4 2534 South University Drive Fargo, ND 58103			ART UNIT	PAPER NUMBER
			2837	

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/686,839

Applicant(s)

LANGEMAN, HENRY E.

Examiner

Shih-yung Hsieh

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/14/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

Art Unit: 2837

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Back (508,858).

Regarding claim 1, Back discloses a guitar baffle system comprising: a guitar body having an interior cavity (Fig. 2), said guitar body comprising a soundboard (Figs. 2-5) having a sound hole (b), at least one sidewall (A) attached to said soundboard (Figs. 3-5), a back wall (C) attached to said sidewall opposite said soundboard, and a neck (D) extending from said guitar body; and a baffle (G) attached to said sidewall within said interior cavity substantially parallel to said soundboard, wherein said baffle separates an upper cavity and a lower cavity within said guitar body (Figs. 2-5); a first opening (the opening toward the neck shown in Figs. 1 and 2) between said sidewall and a first end of said baffle; and a second opening (the opening toward the opposite end of the neck shown in Figs. 1 and 2) between said sidewall and a second end of said baffle, wherein said first opening and said second opening fluidly connect said upper cavity and said lower cavity (Fig. 2).

Regarding claims 2-3, 5-7, and 10, Back discloses the claimed invention (Figs. 2-5).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Back in view of Nightingale (494,485)

Regarding claim 4, Back discloses the claimed invention except that said baffle is positioned centrally between said back wall and said soundboard.

Nightingale teaches a baffle (2) positioned centrally between a back wall and a soundboard (Figs. II-IV) for improving in tone and strength (col.1, lines 14-15). It would have been obvious to one having ordinary skill in the art to modify Back's baffle system as taught by Nightingale to include said baffle positioned centrally between said back wall and said soundboard for the purpose of improving in tone and strength.

Regarding claim 8, Back discloses the claimed invention except that said first end of said baffle has a center cutout corresponding to said sound hole.

Nightingale teaches a baffle near a first end having a center cutout (3 is considered to be a cutout even a tube is attached to it) corresponding to a sound hole (5) for improving in tone. It would have been obvious to one having ordinary skill in the art to modify Back's baffle system as taught by Nightingale to include said first end of said baffle has a center cutout corresponding to said sound hole for the purpose of improving in tone.

5. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 11 is allowed.

7. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 9 and 11 that said first end of said baffle has two opposing slanted side portions as set forth in the claimed combination.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh



SHIH-YUNG HSIEH  
PRIMARY EXAMINER